

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALAN BASSANI,

Plaintiff,

v.

R. SUTTON, YAKIMA COUNTY
SHERIFF'S DEPARTMENT, and
YAKIMA COUNTY,

Defendants.

NO. CV-08-3012-RHW

**ORDER DENYING
DEFENDANTS' MOTION TO
AMEND JUDGMENT**

Before the Court is Defendants' Motion to Amend Judgment (Ct. Rec. 88). This motion was heard without oral argument.

Defendants move the Court under Fed. R. Civ. P. 59(e) to amend the Judgment entered on April 28, 2010 (Ct. Rec. 87). Defendants argue that the Court erroneously found that Defendants had failed to seek summary judgment on Plaintiff's state law claims and declined to exercise supplemental jurisdiction on that basis.

"Under Rule 59(e), it is appropriate to alter or amend a judgment if (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law." *United Nat'l Ins. Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009). After reviewing the record, the Court is unpersuaded that Defendants' vague references to Plaintiff's "claims" and "lawsuit" constituted briefing on Plaintiff's state law claims.

**ORDER DENYING DEFENDANTS'
MOTION TO AMEND JUDGMENT *1**

1 Regardless, the Court did not decline to exercise supplemental jurisdiction on this
2 basis. Rather, the Court declined to do so because it had granted Defendants
3 summary judgment on Plaintiff's federal causes of action, and thus "dismissed all
4 claims over which it has original jurisdiction," 28 U.S.C. § 1367(c)(3), a decision
5 within the Court's reasonable discretion. *In re Digimarc Corp. Derivative*
6 *Litigation*, 549 F.3d 1223, 1233 n.3 (9th Cir. 2008). The Court identifies no clear
7 error or manifest injustice in its entry of Judgment.

8 Also before the Court is Defendants' Motion for Leave to Supplement
9 Record (Ct. Rec. 81), which asks the Court to accept the formal filing of certain
10 documents defense counsel referenced during the hearing on April 20, 2010. That
11 motion is unopposed, and granted.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Defendants' Motion to Amend Judgment (Ct. Rec. 88) is **DENIED**.

14 2. Defendants' Motion for Leave to Supplement Record (Ct. Rec. 81) and
15 Motion to Expedite (Ct. Rec. 83) are **GRANTED**.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 order and provide copies to counsel.

18 **DATED** this 17th day of June, 2010.

19
20
21 s/Robert H. Whaley
22 ROBERT H. WHALEY
23 United States District Judge
24
25
26
27
28

Q:\CIVIL\2008\Bassani\deny.amend.ord.wpd